

PROGRAM CHARTER

FOR

Commercial Space Services

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1. EXECUTIVE SUMMARY

NOAA's Commercial Space Services Program (CSS), part of the Satellite Sub-Goal, is comprised of three separate programs:

- o Office of Space Commercialization (<http://www.nesdis.noaa.gov/space>)
- o Commercial Remote Sensing Licensing (<http://www.licensing.noaa.gov>)
- o Commercial Remote Sensing Compliance/Enforcement (<http://www.crscompliance@noaa.gov>)

The CSS Program is responsible for enabling a robust and responsive U.S. space industry that is the world leader in commercial space services, licensing of the operations of U.S. commercial remote sensing (CRS) satellite firms and ensuring these firms comply with their licenses. The CSS program also supports related senior-level policy development, associated international and interagency coordination, and a variety of outreach efforts to stakeholders in government, industry, and the general public. The CSS program seeks to facilitate the development of a vibrant, growing, and competitive U.S. commercial remote sensing industry, resulting in a variety of innovative and useful environmental data products to government and industry customers while assuring compliance with appropriate federal regulations and policies. Working closely with other U.S. Government agencies, NOAA implemented independent and comprehensive licensing and compliance programs to support this vital U.S. space and information base, enhance U.S. national and economic security and foreign policy, and leverage new commercial assets for government and public use. It also seeks to ensure that U.S. commercial remote sensing space systems are operated in a manner that is consistent with U.S. national security, homeland security, and foreign policy interests. The CSS Program executes activities on a worldwide scale.

2. PROGRAM REQUIREMENTS

A. Requirement Driver

- 1) National Security Presidential Directive (April 25, 2003 U.S. Commercial Remote Sensing Space Policy): This policy provides guidance for: (1) the licensing and operation of U.S. commercial remote sensing space systems; (2) United States Government use of commercial remote sensing space capabilities; (3) foreign access to U.S. commercial remote sensing space capabilities; and (4) government-to-government intelligence, defense, and foreign policy relationships involving U.S. commercial remote sensing space capabilities.
- 2) 1992 Land Remote Sensing Policy Act: 15 U.S.C. §§ 5621-5625: In consultation with other appropriate United States Government agencies, the Secretary is authorized to license private sector parties to operate private remote sensing space systems. In order to carry out the responsibilities specified in this subchapter, the Secretary may grant, condition, or transfer licenses. The policy also outlines the Secretary's enforcement authority for assuring trustworthiness of each licensee, and compliance with all license conditions, foreign and national policies and obligations.
- 3) NOAA Regulations on the Licensing of Private Land Remote-Sensing Space Systems (2006), 15 CFR Part 960: These regulations implement the provisions of the 1992 Act, as amended by the 1998 Commercial Space Act, and the Presidential Policy

announced March 10, 1994. They are intended to facilitate the development of the U.S. commercial remote sensing industry and promote the collection and widespread availability of Earth remote sensing data, while preserving essential U.S. national security interests, foreign policy and international obligations.

- 4) Memorandum of Understanding Concerning the Licensing of Private Remote Sensing Satellite Systems (2000): The purpose of the MOU is to establish interagency procedures concerning the process for handling remote sensing licensing actions, and consultation regarding interruption of normal commercial operations consistent with the President's policy on remote sensing.
- 5) Kyl-Bingaman Amendment to the National Defense Authorization Act for Fiscal Year 1997, Pub. Law No. 104-201, 110 Stat. 2422 (Sept. 23, 1996), at Div. A, Title X, Subtitle F, Section 1064, 110 Stat. 2653 (15 U.S.C. § 5621 note): Prohibition on Collection and Release of Detailed Satellite Imagery Relating to Israel. The Commercial Remote Sensing Compliance/Enforcement Program ensures all licensees adhere to this law and enforces any infractions.

B. Mission Requirements

- 1) Promote the nation's leadership in remote sensing space activities, and sustain and enhance the U.S. remote sensing industry (Requirement Driver 1).
- 2) License private sector parties to operate private remote sensing space systems (Requirement Driver 2).
- 3) Facilitate the development of the U.S. commercial remote sensing industry and promote the collection and widespread availability of Earth remote sensing data, while preserving essential U.S. national security interests, foreign policy and international obligations (Requirement Driver 3).
- 4) Implement interagency procedures for consultations during the review of licensing actions, and establish interagency consultation procedures for the interruption of normal commercial operations (Requirement Driver 4).
- 5) Implement licensing and compliance procedures for U.S. private sector entities to collect and disseminate satellite imagery of Israel only if such imagery is no more detailed or precise than commercially available satellite imagery of Israel (Requirement Driver 5).

3. LINKS TO THE NOAA STRATEGIC PLAN

- A. Goal Outcome: Ship, aircraft and satellite programs that ensure continuous observation of critical environmental conditions.
- B. Goal Performance Objective: Increase quantity, quality, and accuracy of satellite data that are processed and distributed within targeted time.
- C. Goal Strategies:
 - 1) Provide timely and effective acquisition and delivery of satellite-derived information that supports requirements from the Mission Goals.
 - 2) Provide applied research to ensure the quality, reliability and accuracy of current and future satellite products and services to support the Mission Goals.

4. PROGRAM OUTCOMES

- A. Enable a robust and responsive U.S. space industry that is the world leader in commercial space services.
- B. Improve government, commercial and military observations and analyses of earth through the management of remote sensing space systems.

- C. A regulatory process that is timely, efficient and responsive to the needs of the internationally competitive U.S. commercial remote sensing (CRS) industry as well as U.S. government interests to advance national security, foreign policy and archival goals.
- D. A U.S. CRS industry that is compliant with USG regulations in support of U.S. national security and foreign policy.
- E. A U.S. CRS industry that is achieving world leadership in CRS technologies while enhancing industry contributions to military/intelligence observations and analyses as well as the civil Global Earth Observation System of Systems (GEOSS).

5. PROGRAM ROLES AND RESPONSIBILITIES

This program is established and managed with the procedures established in the NOAA Business Operations Manual (BOM). Responsibilities of the Program Manager are described in the BOM. Responsibilities of other major participants are summarized below:

A. Participating Line Offices, Staff Offices, and Council Responsibilities:

- 1) NOAA Satellites and Information (NESDIS) has the responsibility to issue licenses and take associated regulatory actions with respect to the U.S. CRS industry. NESDIS also has the responsibility to review and audit licensees' operations to ensure compliance with the Land Remote Sensing Policy Act of 1992 (the Act), its implementing regulations and NOAA-issued operating licenses.
- 2) NOAA General Counsel (GC) provides regular advice and support to all legal aspects of NESDIS's licensing and compliance actions and ensures that appropriate legal procedures and due diligence are followed. GC staff may accompany NESDIS staff in meetings with licensees that pertain to U.S. law and regulations. GC provides a variety of specific services on an as-needed basis, including but not limited to: advice on legal issues related to licensing and compliance responsibilities; review and clearance of agreements, testimony, correspondence, and other documents; legal representation; assistance with litigation and requests for testimony or information; and coordination on behalf of the program with the Department of Commerce GC in the areas of contract, grant, intellectual property, labor and employment, appropriations, legislation and regulation, grant, litigation, and telecommunications law.
- 3) No councils are directly involved with the program, but some of the program's work is related to the interests of the International Affairs Council.

B. External Agency/Organization Responsibilities:

- 1) Department of Defense has the responsibility to ensure license, amendment, and foreign agreement applications adequately address U.S. national security concerns.
- 2) The Central Intelligence Agency has the responsibility to ensure license, amendment, and foreign agreement applications adequately address U.S. national security concerns.
- 3) Department of State has the responsibility to ensure license, amendment, and foreign agreement applications adequately address U.S. foreign policy concerns and/or international obligations.
- 4) The Department of Interior through the U.S. Geological Survey has the responsibility to ensure license, amendment, and foreign agreement applications adequately address issues related to national archive requirements.

6. END USERS AND PROGRAM BENEFICIARIES:

- A. Government Agencies – the program helps to develop a long-term sustainable relationship between the USG and the US CRS space industry.

- B. General Public – the program provides valuable information to the general public on new and existing CRS companies, government regulations, and general CRS information.
- C. Homeland Security – the program provides critical support information, tools, and services to support NOAA's Homeland Security requirements.
- D. Commercial Remote Sensing Industry – the program fosters a strong business relationship between the government agencies and commercial industry.